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MAR 2 3 2004 TC 2600

Assistant Commissioner of Patents

Washington, DC 20231

10/002,629 RECFIVE

MAR 2 3 2004

## PROTEST UNDER 37 CFR 1.291(a)

Technology Center 2600

Re: Method and apparatus for IP multicast content distribution system having national and regional demographically targeted advertisement insertion

US File # 20020067730

Filed: 12/5/2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20020067730

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as an "advertisement insertion device array" presumably residing in a settop box that is a computer device. Within this system, he builds a database containing a plurality of advertisements dynamically retained at the client terminal and triggered by demographics and geography.(Claim 28) The system is described in paragraphs (0004) and (0010).

The abstract reads in part, "A method and system is provided for inserting national, regional, and/or demographically targeted information content, such as commercial advertisements, into streaming IP multicast program content delivery streams, such as streaming audio, video or other multimedia content, provided to Internet users via a wide area multicast distribution network."

Selecting a channel or show on television which is the equivalent to a URL into a browser locator window that makes a match with and advertising database maintained at the client system in the remotely controlled and updated database and in the event a match is made by comparing, an appropriate advertisement is displayed or inserted into the video stream.

Relevant Claims are: 5, 9, 11, 13, 14, 21, 28 and others. Basing ad display based upon program selection comparisons, demographics or time is no different than selecting a URL in a browser or Keyword in a search engine. Whether a

cable TV network or the internet or both, both are electronic communication networks.

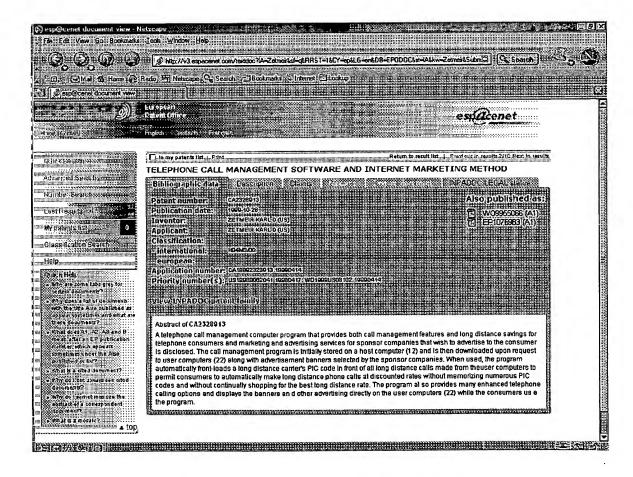
This is referred to as "pull" advertising as a voluntary action (channel or content selection) on the part of a user interacts with a pre-established client database and a targeted ad is displayed.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection, URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

- 1. US Patent 6,141,010 ... similar technology
- 2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
- 3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/5/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.



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| USPTO PATENT FULL-TEXT AND IMAGE DATABASE  Home Quick Advanced Pat Num Help  Bottom  View Cart Add to Carl  Images   |   |
|  | (1 of 1)  |
| United States Patent<br>Hoyle  | 6,141,010<br>October 31, 2000   |
| Computer interface method and apparatus with targeted advertising  |   |
| Abstract   |   |
| A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon dem interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic infor acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, we program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for provides two-tiered, real-time targeting of advertisingboth demographically and reactively. The software application includes programming on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are down without remaining any input or action by the user.  | g that is downloaded from: rmation on the user is e advertisements in software application in when the user runs the a stock brokerage). This ig that accesses the server |

